



Statement of Common Ground with Natural England

Final, August 2021



1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This is the agreed Statement of Common Ground between the applicant, Thurrock Power Ltd, and Natural England (NE). It is presented under three sections which cover:

- matters that are agreed between Thurrock Power Ltd and NE;
- any matters that remain under discussion between Thurrock Power Ltd and NE; and
- any matters where there remains disagreement between NE and Thurrock Power Ltd at the date of preparing the final SoCG.

2 MATTERS THAT ARE AGREED

Topic	Agreement
Survey and assessment methodology (terrestrial ecology)	<p>It is agreed that the scope and methodology of the surveys undertaken are appropriate and provide sufficient evidence to inform the Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA) and examination process.</p> <p>It is agreed that the EIA methodology is appropriate and that impacts on ecology have been satisfactorily assessed.</p>
Onshore ecological impacts and mitigation	Within Natural England's statutory remit (designated sites and licensable species), it is agreed that no significant adverse effects on onshore ecology are likely, subject to implementation of the mitigation measures as set out in the application and to obtaining licenses for translocation of species where applicable.
Cumulative effects on onshore ecology	Within Natural England's statutory remit (designated sites and licensable species), it is agreed that no significant adverse effects on onshore ecology from Thurrock Flexible Generation Plant and other cumulative development projects are likely, subject to implementation of the mitigation measures as set out in the application including creation of habitat for invertebrates.
Outline Ecological Management Plan	Within Natural England's statutory remit (designated sites and licensable species), it is agreed that the Outline Ecological Management Plan (PDC-050) sets out appropriate mitigation and management measures for onshore ecology, subject to discharge of DCO requirement 14 (REP2-014).
Water vole translocation	<p>It is agreed that licensing for displacement of water voles should be possible if only a short section of ditch is to be lost (~50m).</p> <p>It is agreed that relocation of water voles by trapping is likely to be required for longer sections of ditch (>50m) and that such works are typically routine and licensable by NE so long as appropriate methods and techniques are deployed (Natural England submission REP6-025). However, a Letter of No impediment cannot be provided at this time in the absence of a draft licence application.</p>
Sediment accretion, saltmarsh creation and mudflat loss	<p>It is agreed that sediment accretion has been appropriately assessed in APP-120 (ES Volume 6, Appendix 17.2 Hydrodynamic Modelling and Sediment Assessment).</p> <p>It is agreed that there is likely to be some accretion of sediment in the lee of the causeway which may lead to some extension of saltmarsh habitat beyond their current boundaries over a period of three to five years from causeway construction.</p>
Wider hydrodynamic impacts	It is agreed that no significant hydrodynamic effects, sediment loading, scour or accretion with potential for ecological impacts on designated sites beyond the immediate location of the causeway are likely.
Use of causeway by birds	<p>It is agreed that the potential use of the causeway (after construction) by birds is not known with certainty and this is not relied on as mitigation of impacts.</p> <p>Natural England has suggested that the causeway could be designed such that suitable ringed plover foraging habitat could be created along any areas that would be tidally inundated, whether the sides (depending on slope angle) or the top surface. A stony / gravelly / pebbly / cobbly substrate would be preferred within which aquatic marine invertebrates may colonise.</p> <p>Thurrock Power agrees to consider this possibility further during detailed design of the causeway. The top surface of the causeway is unlikely to be suitable as it needs to be maintained for use by AIL vehicles should that be required. Any design of the causeway sides for creating feeding habitat will be evaluated in the context of the causeway not being a permanent structure and the requirement to remove it if when a suitable alternative access becomes available.</p>
Causeway permanence	It is agreed that the causeway will be removed at no longer than 35 years after construction, and that the effects of the causeway can therefore be fully undone.

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Causeway Decommissioning Plan	<p>It is agreed that as set out in PDC-012 (Environmental Statement - Assessment of Causeway Decommissioning), the proposed Causeway Decommissioning Plan is the appropriate mechanism to control the details of measures to ensure that the effect of the causeway will be fully undone.</p> <p>It is agreed that Requirements 18 and 19 of the draft DCO (at revision REP2-014) provide for removal of the causeway when feasible and for the Causeway Decommissioning Plan to be approved by the MMO in consultation with NE among other parties.</p>
Unauthorised use of causeway by people	<p>It is agreed that unauthorised use of the causeway should be discouraged by Thurrock Power Ltd. The 'Restrictions on Public Access to the Causeway' section of the Design Principles Statement (REP2-034) sets out appropriate measures, including periodic proactive contact with the relevant river authorities (which the applicant envisages would be undertaken proactively as needed, but typically at least annually) to discuss and test whether the measures proposed are being effective in their purpose as suggested by NE in PDC-012.</p>
Survey and assessment methodology (HRA screening – winter birds)	<p>It is agreed that no significant effects on Thames Estuary and Marshes SPA citation bird species other than Avocet, Dunlin, Redshank and Ringed Plover are likely.</p>
Survey and assessment methodology (wintering bird survey and HRA stage 2 AA)	<p>Noting NE's advice that the project will affect the qualifying interests of the Thames Estuary and Marshes SPA and Ramsar site and preference for alternative access for delivery of AILs to be secured through the Port of Tilbury if at all possible, it is agreed that there are no adverse effects on the integrity of the Thames Estuary and Marshes SPA and Ramsar site (Natural England submission REP6-025).</p>
Swanscombe MCZ and Upper Thames Estuary rMCZ	<p>It is agreed that no damage to features of interest of Swanscombe Marine Conservation Zone MCZ and Upper Thames Estuary rMCZ is expected.</p>
HRA Appropriate Assessment conclusion on other selected matters	<p>It is agreed that with respect to hydrological matters, appropriate mitigation in the form of surface water management features and pollution control safeguards has been identified, which will together ensure that there will be no adverse effect on the integrity of the Thames Estuary and Marshes SPA and Ramsar site.</p> <p>It is agreed that the Code of Construction Practice (REP2-035) and Drainage Strategy (PDC-007) are appropriate means to provide the pollution control safeguards, subject to discharge of DCO requirements 5 and 10 (as of DCO version REP2-014). It is acknowledged that discharges to water from the facility in operation will be regulated by the Environment Agency under an Environmental Permit.</p>
Noise impact thresholds for passage/wintering birds	<p>It is agreed that with regard to noise and visual disturbance, the zone of influence of 500m is appropriately precautionary for avocet, and that for ringed plover a lower distance could arguably be adopted (Natural England submission REP6-025).</p>
Sediment accretion, saltmarsh creation and mudflat loss	<p>It is agreed that loss of mudflat should be assessed in the context of the HRA. NE advise that there are no adverse effects on the integrity of the Thames Estuary and Marshes SPA and Ramsar site, noting that a likely significant effect on the qualifying interests of the Thames Estuary and Marshes SPA and Ramsar site was identified at the screening stage of the HRAR and it is NE's strong preference for alternative access for delivery of AILs to be secured through the Port of Tilbury if at all possible (Natural England submission REP6-025).</p>

3 MATTERS THAT ARE UNDER DISCUSSION

Topic	Discussion or ongoing work
Replacement Common Land	Thurrock Power has submitted a Commons Act 2006 s16 Common Land deregistration application outside but in parallel with the DCO application. Natural England has submitted consultation responses and Thurrock Power is responding as part of the process of examination of the s16 application.

4 MATTERS THAT ARE NOT AGREED

Topic	Disagreement
None	n/a

5 APPROVAL

Signed:



Name: Andrew Troup

Position: Director

On behalf Thurrock Power Ltd.

Date: 06 August 2021

Signed:



Name: Jonathan Bustard

Position: Senior Adviser – Sustainable
Development

On behalf of Natural England

Date: 06 August 2021